



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

October 26, 2012

VIA ELECTRONIC MAIL

Mr. Jim Fortman, President
Town Council of Huntertown
15617 Lima Road
P.O. Box 95
Huntertown, Indiana 46748

Dear Mr. Fortman:

Re: Final Decision to Deny Request for
Significantly Lowering Water Quality
in Geller Ditch, Allen County by
the Town of Huntertown, Indiana

Your request for authorization to pursue permits to construct and operate a new sanitary wastewater treatment plant (WWTP) to serve the Town of Huntertown, with subsequent discharge to Geller Ditch, has been reviewed and processed in accordance with the antidegradation rules adopted under 327 IAC 2-1.3. After careful review of all submitted information, and in accordance with the procedures contained in 327 IAC 2-1.3-6, the Commissioner has made a final determination to deny your request to significantly lower water quality in Geller Ditch. This determination is in accordance with 327 IAC 2-1.3-6 (d), and is primarily based upon a finding that cost effective measures are reasonably available that would prevent or minimize the proposed significant lowering of water quality in Geller Ditch.

Any person affected by the issuance of the agency's final decision may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) **within** 18 days of the date of this letter; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore the Petition must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;

- identify the terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this final decision.

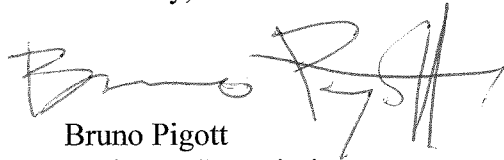
Please send appeal Petitions to:

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Please send a copy of any written appeal Petition to me at the IDEM, Office of Water Quality - Mail Code 65-42, 100 North Senate Avenue, Indianapolis, Indiana 46204-2251.

Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at (317) 232-8591. If you have any questions concerning the decision to deny the request to significantly lower water quality in Geller Ditch, please contact Mr. Steve Roush at 317/233-5747 or sroush@idem.in.gov. Questions concerning appeal procedures should be directed to the Office of Environmental Adjudication, at 317/232-8591.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bruno Pigott', with a stylized flourish at the end.

Bruno Pigott
Assistant Commissioner
Office of Water Quality